

REMARKS

Claims 1-47 are pending in this application. Claims 1, 16, 17, 32, 33 and 46 are amended herein.

Claims 1, 17 and 33 are independent.

Claims 1-33 and 35-47 stand rejected under 35 USC §103(a) as obvious over Knee, et al. (U.S. Patent No. 5,589,892) in view of Garfinkle (U.S. Patent No. 5,530,754). Claim 34 stands rejected under 35 USC §103(a) as obvious over the base combination in further view of Voyticky, et al. (U.S. Patent No. 6,438,751B1).

As discussed on page 5, line 1, through page 6, line 21, of the present application, in interactive television and other similar applications, it is beneficial to display informational messages that are intended to solicit a response from a viewer in conjunction with the particular programming to which the message relates. For example, it is beneficial to display a message indicating that promotional materials are available for a product in conjunction with the programming advertising that product, because this creates a sense of immediacy or urgency that increases the likelihood of the viewer responding to the message. Thus, the timing of a display of a message soliciting a response from a viewer is extremely important.

As particularly noted on page 6, lines 4-11, of the present application, while it is possible to use program schedule information, such as that typically included in an electronic program guide, to time the display of such a message, in practice this approach is subject to scheduling errors and changes. Furthermore, in practice, precise schedules for commercial advertisements and other similar types of programming are often not available to service providers.

The present invention has the objective of providing a better technique for synchronizing such messages with the related programming, as discussed in lines 23-26 of page 6 of the present application. Indeed, it is an object of the present invention to synchronize such a message to its associated programming in a manner that accommodates unexpected changes in the program schedule.

The present invention accomplishes these objectives, and improves on previously proposed techniques for synchronizing messages soliciting a response with the applicable programming, by assigning a unique identifier to each segment of the programming with respect to which there is an associated message soliciting a viewer response (such as a request for promotional materials relating to a product currently being advertised by the displayed video programming).

It is respectfully submitted that both Knee and Garfinkle are directed to the use of electronic program schedules or other program guides or catalogs and therefore lack a unique identifier of the type described and claimed in the present application. It is further respectfully submitted that neither Knee nor Garfinkle nor their combination teaches or suggests a technique capable of meeting the objectives of the present invention.

Each of the independent claims (i.e., claims 1, 17 and 33) is amended herein to explicitly recite that the broadcast video programming and the unique program identifiers are broadcast in a signal, and that each program identifier is encoded in a portion of the signal that represents the segment of the video programming with which that program identifier is uniquely associated. Support for this recital can, for example, be found on page 30, lines 1-6, of the present application.

It is respectfully submitted that the applied prior art whether taken individually or in combination, lacks any suggestion of program identifiers encoded in a portion of a signal that represents a particular segment of the broadcast video programming with which that program identifier is uniquely associated or uniquely corresponds.

While Knee discloses that program schedule information for all the television programs and other services may be embedded in the vertical blanking interval of a broadcast signal, there is nothing to suggest that an icon, such as shown on the menu in Figure 6a, or any other program identifier is encoded in a part of a signal that represents a segment of the video programming with which that program identifier is uniquely associated or uniquely corresponds.

Rather, as for example described in column 10, lines 26-29, of Knee, the micro controller 16 uses the received program schedule information to build a database by storing the data in appropriately organized records in DRAM 18. Indeed, as discussed in column 10, lines 29-33, the stored schedule information must be modified to reflect schedule changes and other required updating. It should be recognized that, in accordance with the present invention, such updating is never required, because the program identifier for a particular segment of video programming is encoded in the part of the signal that represents that segment of that video programming itself.

Garfinkle is not relied upon for the above features and limitations, and does not cure the defects in Knee.

Accordingly, it is respectfully submitted that each of independent claims 1, 17 and 33 patentably distinguish over the applied prior art. Therefore, it is respectfully

requested that the rejection of these claims, and their dependencies, be reconsidered and withdrawn.

It is further respectfully submitted that other features recited in the dependent claims further distinguish over the applied prior art.

For example, claim 2 requires that the first product request relate to the programming segment being received by the user station at the time the first product request is transmitted.

Knee's disclosure in column 3, lines 31-37, column 4, lines 55-59, column 5, lines 1-4, and column 8, lines 27-42, is cited in support of the rejection of claim 2.

It is perhaps worthwhile first noting that Knee distinguishes the disclosed electronic program guide (EPG) from the television programming itself. Thus, the EPG does not, according to Knee, correspond to the programming.

Furthermore, the reference disclosure in column 3, only indicates that the users of the electronic program guide (EPG) are permitted to remotely order products and services associated with the guide or the program listings included in the guide. The relied upon disclosure in column 4, simply indicates that a user may be permitted to remotely order a service or product associated with the EPG or a program listing included in the EPG, and lacks any disclosure of a request which relates to programming being received by the user station. The relied upon disclosure in column 5, indicates that the viewer of a broadcast program can also view program schedule information for other programs, which are necessarily unrelated to the programming segment being received by the user station. Hence, even if the user were to select one of these other programs from the program schedule, it would not be a product request

which relates to the programming segment being received at the time of the product request, as required by claim 2. The relied upon disclosure in column 8, provides nothing more than a brief description of certain figures, and accordingly its relevance is unclear. In any event, the referenced text in column 8 fails to disclose the necessary limitations of claim 2.

It is perhaps worthwhile to point out that, as described in column 40, line 42, through column 41, line 33, Knee describes, with reference Figure 47, an embodiment of the invention which is directed to providing the user with the ability to order a product or service relating to programming (e.g., an advertisement) currently being viewed by a viewer. However, as explicitly disclosed in column 40, lines 42-61, of Knee, a second receiver 30 is required to receive data from which the microcontroller 16 can determine whether the currently tuned to channel is displaying programming for which a product or service is available. As best understood, this determination is made by comparing information in the received data with the program schedule information which is also received on the channel over which this availability data is received (i.e., via the second receiver 30). If the determination is positive, a product availability icon is overlaid on the currently received television signal containing the programming.

As further described in column 41, lines 19-30, if the viewer orders the product or service, rather than a unique identifier associated with or corresponding to the programming segment being displayed (e.g., an advertisement), according to Knee, either (i) the time and an identifier of the channel being viewed or (ii) product identification information that, as understood, is extracted from the availability data received by the second receiver, is forwarded back to the cable head end.

Thus, while Knee, like the present invention, discloses a technique for allowing a viewer to order a product or service related to programming currently being received by that viewer, Knee discloses a technique which is entirely different than that which is disclosed and claimed in the present application. In particular, Knee relies on the preexisting program schedule data to determine if a product or service relating to the programming being viewed is available, and then uses either (i) the time and channel being viewed when the user requests the product or service or (ii) other information corresponding to or associated with the product or service and provided via a signal separate from that in which the programming is received, to provide the cable head end with information necessary to identify what product or service is being requested. This must be contrasted with the present invention which requires a unique identifier corresponding to or associated with the programming being received by the viewer on the tuned channel both (1) for determining whether or not to display an icon or other indicator that a product or service related to the currently received programming (e.g., an advertisement) is available for ordering by the viewer, and (2) for identifying the programming segment being viewed at the time of the viewer's request, to the cable head end. The cable head or other entity can then use the unique identifier to identify the product or service that is being sought by the viewer.

Claim 6 requires that the product data which is returned based upon the viewer's request have a screen display definition.

As understood, Knee's disclosure in column 6, lines 15-28, and column 48, lines 18-19, is relied upon and rejecting claim 6.

However, the referenced text in column 6, indicates only that the program schedule information is displayed in overlapping relationship with the displayed programming. The referenced text in column 48, generally discloses a video display generator, and received video display control commands from a data processing means. Accordingly, the relied upon disclosure lacks any teaching or suggestion of the required limitations of claim 6.

Claim 7 (which depends from claim 6) requires that different screen display definitions be used for different product data.

The additionally recited disclosure in column 23, lines 19-28, and column 48, lines 3-8, of Knee fails to disclose different definitions for different product data as required by claim 7. Indeed, there is no mention of screen definitions in any of the relied upon disclosure.

Claim 8 requires that the first product data, which has been ordered by the viewer, be simultaneously displayed with the video programming. While the Examiner points to various elements of Figure 19 of Knee as disclosing such limitations, it is respectfully submitted that this is simply not the case.

Limitations in other claims additionally distinguish over the applied prior art, either for reasons similar to those discussed above or for other reasons.

The other applied art references are not relied upon as disclosing the above-mentioned features of the dependent claims, and do not cure the deficiency in Knee.

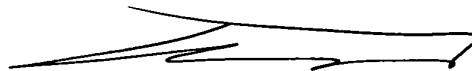
In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the

below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Case No. 1164.41382PX1) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in dark ink, appearing to read 'Alfred A. Stadnicki', with a stylized, sweeping flourish extending to the left.

Alfred A. Stadnicki
Registration No. 30,226

1300 North Seventeenth Street
Suite 1800
Arlington, VA 22209
Tel.: 703-312-6600
Fax.: 703-312-6666

AAS/slk